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11 Attorneys for Defendant
12 SCOTTSDALE INSURANCE COMPANY

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15 IN THE UNITED STATES DISTRICT COURT
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17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 THOMAS J. KERRINS d.b.a. SQUARE
19 ONE REAL ESTATE & SQUARE ONE
FINANCIAL

20 Plaintiff,

21 v.

22 SCOTTSDALE INSURANCE
23 COMPANY, and DOES 1 through 20,
inclusive,

24 Defendants.

25 CASE NO. 3:13-cv-04266-EMC

26 STIPULATION AND [PROPOSED] ORDER
27 TO MODIFY BRIEFING SCHEDULE ON
SCOTTSDALE INSURANCE COMPANY'S
SUMMARY JUDGMENT MOTION

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Pursuant to Civil Local Rule 7-12, Plaintiff Thomas Kerrins d.b.a. Square One Real Estate & Square One Financial (“Kerrins”) and Defendant Scottsdale Insurance Company (“Scottsdale”), through their respective attorneys of record, stipulate and request that the Court enter an order thereon, to modify the briefing schedule for Scottsdale’s summary judgment motion, set for hearing on May 29, 2014, as follows: (1) continue the deadline for the opposition to such motion to May 8, 2014; and (2) continue the deadline for the reply to such opposition to the motion to May 15, 2014. In support of this stipulation, the parties state as follows:

1. On December 12, 2013, following a Case Management Conference, the Court ordered as follows: “The case is referred to private mediation. Private mediation is to be completed after MSJ is filed but no later than 5/9/14. ... Defendant’s motion for summary judgment shall be filed by 3/6/14. Opposition due 3/20/14. Reply due 3/27/14. Motion hearing and further CMC scheduled for 4/10/14 at 1:30 p.m. (subject to continuance if mediation is not completed.) An updated joint CMC statement shall be filed by 4/3/14.” (ECF No. 19.)

2. On March 6, 2014, Scottsdale filed its summary judgment motion, noticing the motion for hearing on April 10, 2014 at 1:30 p.m. (ECF Nos. 22 - 25.)

3. Scottsdale and Kerrins subsequently stipulated to request that the Court continue the hearing on Scottsdale’s summary judgment motion to May 29, 2014, and for extensions of time to oppose said motion and reply to said opposition. On March 17, 2014, the Court ordered as follows: “The hearing for Scottsdale Insurance Company’s summary judgment motion is continued to May 29, 2014 at 1:30 p.m. The opposition to the motion is due on May 1, 2014. The reply is due on May 8, 2014. The Case Management Conference is continued to May 29, 2014 at 1:30 p.m. An updated CMC Statement shall be filed by May 22, 2014.” (ECF No. 27.)

4. Kerrins and Scottsdale also agreed to mediate the present matter jointly with the mediation of the underlying action (*Gabriela Tatranska and Drahotin Tatransky v. Kerrins*, Alameda County Superior Court, Case No. RG10507103), with Craig S. Meredith, Esq. of JAMS San Francisco on April 30, 2014. At the mediation, the parties made some progress with respect a settlement proposal, but all parties have yet to respond to such proposal.

5. Kerrins and Scottsdale have agreed it would be appropriate for Kerrins to have a

1 short extension to file his opposition to Scottsdale's summary judgment motion, and for
2 Scottsdale to have a similar short extension to file its reply to Kerrins' opposition, while the
3 parties await the responses by all parties to the pending proposal. Such extensions would obviate
4 the parties incurring further time and expense litigating Scottsdale's summary judgment motion
5 if the proposal is approved.

6 THEREFORE, the parties respectfully request that the Court enter an order thereon, to
7 modify the briefing schedule for Scottsdale's summary judgment motion, set for hearing on May
8 29, 2014, as follows: (1) continue the deadline for the opposition to such motion to May 8, 2014;
9 and (2) continue the deadline for the reply to such opposition to the motion to May 15, 2014.

10 IT IS SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED.

11

12 DATED: May 1, 2014

BARDELLINI, STRAW, CAVIN & BUPP, LLP

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14 By:


John F. Cavin
Steven J. Kahn

15 Attorneys for Plaintiff
16 THOMAS J. KERRINS d.b.a. SQUARE ONE
17 REAL ESTATE & SQUARE ONE FINANCIAL

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DATED: May 1, 2014

SEDGWICK LLP

By:


Brian D. Harrison
Veena A. Mitchell
Attorneys for Defendant
SCOTTSDALE INSURANCE COMPANY

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12 DATED: May 1, 2014 BARDELLINI, STRAW, CAVIN & BUPP, LLP

13
14 By: _____
15 John F. Cavin
16 Steven J. Kahn
17 Attorneys for Plaintiff
18 THOMAS J. KERRINS d.b.a. SQUARE ONE
19 REAL ESTATE & SQUARE ONE FINANCIAL

20 DATED: May 1, 2014 SEDGWICK LLP
21 By: 
22 Brian D. Harrison
23 Veena A. Mitchell
24 Attorneys for Defendant
25 SCOTTSDALE INSURANCE COMPANY

ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS ORDERED that:

The briefing schedule for Scottsdale's summary judgment motion, set for hearing on May 29, 2014, as follows: (1) the deadline for the opposition to such motion is continued to May 8, 2014; and (2) the deadline for the reply to such opposition to the motion is continued to May 15, 2014.

IT IS SO ORDERED.

DATED: 5/1/14

